UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/014,422	01/27/1998	MASAKI IWAMOTO	1344.1001/JD	4490

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EXAMINER
HUYNH, CONG LAC T

ART UNIT	PAPER NUMBER
2176	

DATE MAILED: 10/03/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)

	Application No.	Applicant(s)	
Office Action Summary	09/014,422	IWAMOTO ET AL.	
	Examiner	Art Unit	
	Cong-Lac Huynh	2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>09 July 2002</u> .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-8,10-19 and 21-26</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-8,10-19 and 21-26</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All b)☐ Some * c)☐ None of:

        1.☒ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____ .

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)		4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .	
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)		5) ☐ Notice of Informal Patent Application (PTO-152)	
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .		6) ☐ Other: .	

DETAILED ACTION

1.   This action is responsive to communications: request for reconsideration filed on

7/9/02 to the application filed on 01/27/98.

2.   Claims 1-8, 10-19, 21-26 are pending in the case. Claims 1, 12, 23 are

independent claims.

3.   The rejections of claims 1-8, 10-19, 21-26 under 35 U.S.C. 103 (a) as being

unpatentable over Microsoft Excel 97 in view of Fahey have been withdrawn in view of

applicants' argument.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

5.   Claims 1-8, 10-19, 21-26 are rejected under 35 U.S.C. 103(a) as being

unpatentable over *Microsoft Excel 97* (hereinafter referred as Excel 97), Microsoft

Corporation, 1997, pages 1-11 in view of Krawchuk et al. (US Pat No. 5,960,437,

9/28/99, filed 10/7/96).

Regarding independent claim 1, Excel 97 discloses (on page 1):

-- the cross tabulation in which the data which is set a range to be displayed is summed up, the *data selected which is extracted from a database is cross summed up* (the sum of East row, West row, North row, South row, and the sum of January, February, March instead of summing from January to December in the database)

-- the cells selected among the cells to constitute the cross tabulation which includes the *data extracted* from a database (the cells in each row or each column)

-- the graph for displaying the data *extracted from a database* within the range, here the range is from A1 to D4 (the graph for corresponding sampled data)

Excel 97 does not disclose explicitly extracting data automatically at random from a database.

Krawchuk discloses extracting data automatically at random from a database (col 56, lines 7-15, a large relative file can be *simulated...* arranged sequentially by Brick number to *allow random selection within the file*). The *file simulation* and the *random selection within the files* suggest that the selection of data be performed automatically at random without any user intervention. In addition, the selected data is stored in the Bricks or Box and is applied in the spreadsheets (col 67, line 58 to col 68, lines 1-13; col 55, lines 25-30).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to have combined Krawchuk into Excel 97 for *performing operations* on the *data extracted automatically at random from a database using spreadsheet*.

Regarding claim 2, which is dependent on claim 1, Excel 97 discloses the *selected range* (which is limited) of data that is used to draw the corresponding graph (page 2).

Regarding claim 3, which is dependent on claim 2, Excel 97 discloses the cross

tabulation to cross sum the data by:

-- selecting of cells in the row East, selecting the AutoSum icon to sum up the numbers

in the cells of the East row (page 3), and repeating for rows West, North and South;

-- selecting of *cells which include data extracted from a database* in the column

January, selecting of the AutoSum to sum up the numbers in the cells of the January

column (page 4), and repeating for columns February, March, and Total.

Regarding claims 4 and 5, Excel 97 discloses the rearranging of data according to a

predetermined condition as "sort descending" by selecting the range A2 to D5 and

selecting the Sort Descending icon. The *data changed which is extracted from a*

database in the descending order (sequence East-West-North-South now changes to

West-South-North-East) is summed up in the cross tabulation (pages 5 and 6).

Regarding claims 6 and 7, Excel 97 discloses the graph for the range selected from A1

to D4, which *includes data extracted from a database* (page 7 and the first graph in

page 8). When selecting the new item South, the graph displayed is added the data for

South (page 8, the second graph).

Regarding claim 8, the data analyzed is a collection of a number of data items *extracted*

from a database (page 9, the highlighted data).

Regarding claims 10-11, Excel 97 discloses the graph of extracted data in which data

item displayed as an axis based on the data record (page 11; page 10; page 8, the first

graph).

Claims 12, 14-19, 21-22 are mediums for the apparatus of claims 1-11, and are rejected under the same rationale.

Claims 23-26 include the limitations of claims 1, 2, 4, and 6 respectively, and are rejected under the same rationale.

Response to Arguments

6.   Applicant's arguments with respect to claims 1-8, 10-19, 21-26 have been considered but are moot in view of the new ground(s) of rejection.

Applicants argue that Fahey does not disclose "extracting data automatically at random from a database..." since the extracted data is not the random data but the relevant data.

Examiner agrees.

Krawchuk, cited in this office action, discloses "extracting data automatically at random from a database" (col 56, lines 7-15, a large relative file can be *simulated...* arranged sequentially by Brick number to *allow random selection within the file*). The *file simulation* and the *random selection within the files* suggest that the selection of data is performed *automatically at random without any user intervention*. In addition, the selected data is stored in the Bricks or Box and is applied in the spreadsheets (col 67, line 58 to col 68, lines 1-13; col 55, lines 25-30).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to have combined Krawchuk into Excel 97 for *performing*

operations on the *data extracted automatically at random from a database using spreadsheet.*

Conclusion

7.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Lowry et al. (US Pat No. 5,848,425, 12/8/98, filed 7/1/96).

Bergeron et al. (US Pat No. 6,246,410 B1, 6/12/01, filed 1/19/96).

Fourman (US Pat No. 6,421,670 B1, 7/16/02, filed 4/15/96).

8.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cong-Lac Huynh whose telephone number is 703-305-0432. The examiner can normally be reached on Mon-Fri (8:30-6:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on 703-308-5186. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 707-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-9000.

STEPHEN S. HONG
PRIMARY EXAMINER

clh
9/20/02